PART IV

Section 2B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. LAW 44 LGN 63, Bangalore, dated 7th May 1965.

Ordered that the Mysore Public Libraries Act, 1965 which received the assent of the President on the Twenty-second day of April 1965, be published as Mysore Act No. 10 of 1965 in the *Mysore Gazette*, for general information.

THE MYSORE PUBLIC LIBRARIES ACT, 1965

Arrangement of sections

PREAMBLE

CHAPTER I

PRELIMINARY

Sections

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

THE MYSORE STATE LIBRARY AUTHORITY

3. Constitution and composition of the State Library Authority.
4. Functions of the State Library Authority.
5. Nomination of members in default of election.
6. Term of Office.
7. Vacancies.
8. Disabilities for continuing as member.
9. Disqualifications.
10. Meetings of the State Library Authority.
11. Procedure of State Library Authority.

CHAPTER III

DEPARTMENT OF PUBLIC LIBRARIES

12. Department of Public Libraries.
13. Functions of the Department.
14. State Librarian.
15. State Library Service.

CHAPTER IV

Local Library Authorities

Sections

16. Constitution of Local Library Authorities.
17. Composition of City Library Authorities.
18. Composition of District Library Authorities.
19. Nomination of members in default of election.
20. Term of Office.
21. Vacancies.
22. Disabilities for continuing as a member.
23. Disqualifications.
24. Meetings of the Local Library Authorities.
25. Powers and duties of Chairman and Vice-Chairman.
26. Powers and functions of Local Library Authorities.
27. Library Development Plan.
28. Local Library Authority to appoint committees.
29. Advisory Library Committees.

CHAPTER V

Finance and Accounts

30. Library Cess.
31. Government grant to District Library Authority of a portion of land revenue.
32. Local Library Fund.
33. State Library Fund.
34. Accounts.

CHAPTER VI

State Central Library

35. Vesting of Bangalore Public Library in the State Library Authority.
36. Mysore State Central Library.
37. Sections of State Central Library.

CHAPTER VII

Reports, Returns and Inspection

Sections

38. Reports and returns.
39. Inspection of Libraries.
40. Annual Report.

CHAPTER VIII

Miscellaneous

41. Power to make rules.
42. Power of Local Library Authorities to make bye-laws.
43. Offences and penalties.
44. Control of Local Library Authorities by Government.
45. Liability of members for loss, waste or misapplication.
46. Members and employees of Library Authorities to be public servants.
47. Savings of validity of acts and proceedings.
48. Provisions relating to suits, etc.
49. Power to remove difficulties.
50. Transfer of certain libraries.
51. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Mysore.
52. Repeal and savings.

MYSORE ACT No. 10 OF 1965

(*First published in the* Mysore Gazette *on the Thirteenth day of May* 1965).

THE MYSORE PUBLIC LIBRARIES ACT, 1965

(*Received the assent of the President on the Twenty-second day of April* 1965).

An Act to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore.

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore and for matters connected therewith ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Public Libraries Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) 'academic library' means a library maintained by a university, college, school or research institution ;

(2) 'aided library' means a library declared by the State Librarian to be eligible for aid from the Government in accordance with the rules made under this Act ;

(3) 'book' includes—

(i) every volume, part or division of a volume, and pamphlet, in any language ;

(ii) every sheet of music, map, chart or plan separately printed or lithographed ;

(iii) newspapers, periodicals and other such materials ;

(4) "Chief Librarian" means the Librarian appointed to be in charge of a City Central Library or a District Central Library and other Libraries and the library service under the control of a City Library Authority or a District Library Authority, as the case may be ;

(5) 'City Library Authority' means a Library Authority constituted for a city or other urban area under sections 16 and 17 ;

(6) 'State-owned Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State ;

(7) 'district' means a revenue district ;

(8) 'District Library Authority' means a Library Authority constituted for a district under sections 16 and 18 ;

(9) 'library cess' means a cess levied under section 30 ;

(10) 'Local Library Authority' means a City Library Authority or a District Library Authority ;

(11) 'notification' means a notification published in the official Gazette ;

(12) 'outlier library' means any library other than a public library ;

(13) 'prescribed' means prescribed by rules made under this Act ;

(14) 'public library' means,—

(*a*) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such library ;

(*b*) a library established or maintained by the State Government and declared open to the public ;

(*c*) a library established or maintained by any local authority and declared open to the public ;

(*d*) a library declared to be eligible for aid and receiving aid from the State Government ;

and includes, any other library notified by the State Government as a public library for the purposes of this Act ;

(15) 'State Central Library' means the library declared to be the State Central Library under Chapter VI.;

(16) 'State Librarian' means the State Librarian appointed under this Act ;

(17) 'State Library Authority' means the Authority constituted under section 3 ;

(18) 'year' means the financial year.

CHAPTER II.

THE MYSORE STATE LIBRARY AUTHORITY.

3. Constitution and composition of the State Library Authority.—(1) As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the State Library Authority. Such authority shall be a body corporate having perpetual succession and

a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

(2) The State Library Authority shall consist of,—

(*a*) the Minister in charge of Education who shall *ex-officio* be the President of the Authority ;

(*b*) four persons elected by the Mysore Legislative Assembly from among its members ;

(*c*) two persons elected by the Mysore Legislative Council from among its members ;

(*d*) one person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate ;

Explanation :—For purposes of this clause, in respect of the University of Agricultural Sciences, "Syndicate" means the Board of Regents.

(*e*) one person elected by the Executive Committee of the Mysore Library Association from among the members of the Association ;

(*f*) one person elected by the City Library Authority of the City of Bangalore from among its members ;

(*g*) one person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order of rotation as the State Government may by order determine ;

(*h*) one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the

members of such Authority, subject to the condition that such election shall be made by each District Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine;

(*i*) the Secretary to the Government, Education Department;

(*j*) the Director of Public Instruction in Mysore;

(*k*) three persons nominated by the State Government who in the opinion of the State Government are experts in library science:

Provided that at the first constitution of the Authority for purposes of clauses (*f*), (*g*) and (*h*), six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

(3) The State Librarian shall *ex-officio* be the Secretary of the State Library Authority.

4. Functions of the State Library Authority.—The State Library Authority shall advise the State Government on all matters connected with the administration of this Act, shall be the managing authority for the State Central Library, and shall exercise and perform such powers and duties conferred and entrusted to the said Authority by this Act, and such other powers and duties as may be prescribed.

5. Nomination of members in default of election.—If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

6. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 3.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

7. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

8. Disabilities for continuing as member.—If any member other than an *ex-officio* member of the State Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority ; or

(*b*) in the case of a member elected by any body referred to in sub-section (2) of section 3, ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

9. Disqualifications.—A person shall be disqualified for being chosen as, and for being, a member of the State Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with

imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

10. Meetings of the State Library Authority.—(1) The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meeting.

(2) The President may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the President to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) Two-fifths of the total number of members of the Authority, shall be the quorum for a meeting of the State Library Authority.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside.

11. Procedure of State Library Authority.—The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

CHAPTER III.

Department of Public Libraries.

12. Department of Public Libraries.—For the purposes of this Act, a Department of Public Libraries shall be constituted with a State Librarian as its head and such other officers and servants as the Government may by order specify.

13. Functions of the Department.—(1) Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Department shall—

(*a*) superintend and direct all matters relating to all public libraries ;

(*b*) promote the establishment of public library service so as to achieve the purposes of this Act ;

(*c*) supervise and direct all matters relating to libraries receiving aid from the State Government ;

(*d*) maintain State Registers of Libraries and of Librarians ;

(*e*) superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act :

(*f*) ensure the proper utilisation of the Library Funds and library man-power of the State ;

(g) perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

14. State Librarian.—(1) A whole-time officer having the prescribed qualifications to practise the library profession shall be appointed by the State Government as the State Librarian.

(2) The State Librarian shall,—

(*a*) function as the Librarian of the State Central Library ;

(*b*) superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act ;

(*c*) control the appointments, postings, and transfers of officers and servants in the State Library Service ;

(*d*) generally assist the State Library Authority in performing its functions ;

(*e*) exercise such other powers and perform such other duties as may be conferred or imposed on him by or under this Act.

15. State Library Service.—(1) Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library and every Local Library Authority shall be filled by appointment of persons belonging to the Mysore State Library Service.

(2) The Mysore State Library Service shall consist of the State Librarian, Chief Librarians of Cities and Districts, Librarians and such other classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

(3) The salary, allowances, gratuity, pension and other benefits of the members of the Mysore State Library Service shall be met from the Consolidated Fund of the State.

CHAPTER IV.

Local Library Authorities.

16. Constitution of Local Library Authorities.—(1) For the purpose of organising and administering Public

ibraries in the State, there shall be constituted Local ibrary Authorities,—

(*a*) for the Cities of Bangalore, Hubli-Dharwar, Mangalore, Mysore and Belgaum, and for such other urban area having a population of more than one lakh, as the State Government may by notification specify, called the ity Library Authority ; and

(*b*) for each revenue district, excluding the area for which a City Library Authority is constituted, called the istrict Library Authority :

Provided that the District Library Authority constituted for Bangalore District (Rural) shall organise and administer public libraries in Bangalore District Urban) also, excluding the City of Bangalore.

(2) Every Local Library Authority shall by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

17. Composition of City Library Authorities.— 1) Every City Library Authority shall consist of—

(*a*) the Mayor of the municipal corporation or the resident of the municipal council or other municipal body of the City who shall *ex-officio* be the Chairman of the uthority ;

(*b*) a principal of a First Grade College in the city nominated *ex-officio* by the State Government, who shall be the Vice-Chairman of the Authority ;

(*c*) two persons elected by the municipal corporation, municipal council or other municipal body of the city from ong its members ;

(*d*) one person nominated by the State Government from among the members of governing bodies of aided libraries in the city ;

(*e*) a Head Master of a High School in the city nominated *ex-officio* by the State Government ;

(*f*) one person nominated by the council of the city branch, if any, of the Mysore Library Association ;

(*g*) an officer of the Department of Public Instruction having jurisdiction over the city, nominated *ex-officio* by the State Government.

(*h*) two persons nominated by the State Government from among persons ordinarily resident in the city.

(2) The Chief Librarian of the city shall *ex-officio* be the Secretary of the City Library Authority and of the Committees of the said Authority.

18. Composition of District Library Authorities.— (1) Every District Library Authority shall consist of—

(*a*) the Deputy Commissioner of the district who shall *ex-officio* be the Chairman of the Authority ;

(*b*) the District Educational Officer the Educational Inspector of the district ;

(*c*) two persons elected from among its members by the District Development Council ;

(*d*) one person elected from among its members by each municipal council or other municipal body in the district with jurisdiction over a municipal area other than an area for which a City Library Authority is established having a population of not less than fifty thousand ;

(*e*) two persons nominated by the State Government from among the members of municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of less than fifty thousand ;

(*f*) one person nominated by the council of the District Branch, if any, of the Mysore Library Association ;

(*g*) one person nominated by the State Government from among the members of the Taluk Development Boards in the district ;

(*h*) two persons nominated by the State Government from among the members of the village panchayats and town panchayats in the district ;

(*i*) two persons nominated by the State Government from among the members of the governing bodies of aided libraries in the district ;

(*j*) a Principal of a First Grade College in the district nominated *ex-officio* by the State Government ;

(*k*) a Headmaster of a High School in the district nominated *ex-officio* by the State Government ;

(*l*) an officer of the Department of Public Instruction having jurisdiction over the district or a part thereof nominated *ex-officio* by the State Government ;

(*m*) three persons nominated by the State Government from among persons ordinarily resident in the district.

(2) The Vice-Chairman of the District Library Authority shall be elected by the members from among themselves.

(3) The Chief Librarian of the district shall *ex-officio* be the Secretary of the District Library Authority and of the Committees of the said Authority.

19. Nomination of members in default of election.—If any of the bodies referred to in section 17 or 18 does not by such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto ; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

20. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under sections 17, 18 and 19

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

21. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 17 or section 18, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

22. Disabilities for continuing as member.—If any member other than an *ex-officio* member of a Local Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority ; or

(*b*) in the case of a member elected by any body referred to in section 17 or section 18 ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

23. Disqualifications.—A person shall be disqualified for being chosen as, and for being, a member of the Local Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been

relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

24. Meetings of Local Library Authorities.—(1) Every Local Library Authority shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting.

(2) The Chairman may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) A Local Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

25. Powers and duties of Chairman and Vice-Chairman.—(1) The Chairman of a Local Library Authority shall,—

(*a*) preside at the meetings of the Authority ;

(*b*) watch over the financial and executive administration of the Authority and exercise general supervision and control.

(2) The Vice-Chairman of a Local Library Authority shall,—

(*a*) in the absence of the Chairman, preside at the meetings of the Authority ;

(*b*) exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

26. Powers and functions of Local Library Authorities.—(1) It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction. The Library Authority shall in every City establish a City Central Library and Branch Libraries and in every district establish a District Central Library and branch libraries.

(2) For purposes of sub-section (1), a Local Library Authority may,—

(*a*) provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose ;

(*b*) provide such libraries with books, periodicals, newspapers, maps, gramophone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like ;

(*c*) with the previous sanction of the Government shift or close any public library ;

(*d*) accept any endowment or gift for any purpose connected with its activities :

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government ;

(*e*) provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act ;

(*f*) with the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government ;

(*g*) with the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act ;

(*h*) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act

27. **Library Development Plan.**—(1) Subject to general or special orders of the State Government, as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the State Librarian, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Library Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

(2) The salient features of every Local Library Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Library Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Library Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under sub-section (2). The State Librarian shall with his comments on the Local Library Development Plan submit it to the State Government for sanction.

(4) The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this sub-section.

(5) (*a*) As soon as may be after the State Government sanctions a Local Library Development Plan

under sub-section (4), the State Librarian shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(*b*) A Local Library Order made under clause (*a*) may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

(6) Every Local Library Authority shall give effect to the Local Library Development Plan as sanctioned by the State Government and the Local Library Order made under sub-section (5).

28. Local Library Authority to appoint committees.—(1) Every Local Library Authority shall constitute the following committees by election from among its members, namely :—

(i) the Executive Committee ; and

(ii) the Finance Committee.

(2) A Local Library Authority may constitute committees for such other purposes as it deems fit.

(3) The Chairman of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, and the Finance Committee.

(4) (*a*) The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

(*b*) The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Local Library Authority.

29. Advisory Library Committees.—(1) For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

(2) Every Branch Library Committee shall consist of,—

(*a*) the Branch Librarian who shall *ex-officio* be the Chairman and convener of the Committee;

(*b*) one person representing the area which the Branch Library serves, on the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;

(*c*) three teachers of educational institutions in the area in which the branch library is located, nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be;

(*d*) three persons from among the registered borrowers of the branch library nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be.

(3) Every Village Service Library Committee shall consist of—

(*a*) the Travelling Librarian visiting the service station in the village who shall *ex-officio* be the Chairman and convener of the Committee;

(*b*) two teachers of educational institutions in the area served by the service station, nominated by the Chief Librarian of the District;

(*c*) two persons from among the registered borrowers in the area served by the service

station, nominated by the Chief Librarian of the district.

(4) The nominated members of the Branch Library Committee and the Village Service Library Committee shall hold office for a period of three years or until their successors are nominated.

CHAPTER V.

FINANCE AND ACCOUNTS.

30. Library Cess.—(1) With effect from the date of commencement of this Act,—

(*a*) a library cess in the form of a surcharge on—

(i) tax on lands and buildings ;

(ii) tax on entry of goods into the local area for consumption, use or sale therein ;

(iii) tax on vehicles ;

(iv) tax on professions, trades, callings and employments ;

shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied ;

(*b*) a library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

(2) A City Library Authority or District Library Authority may, with the previous sanction of the State Government, by notification, increase the rate of library

cess levied on any item of tax specified in clause (*a*) or (*b*) of sub-section (1), subject to the condition that the rate shall not exceed six paise for every rupee of the tax levied.

(3) The cess levied under clause (*a*) or clause (*b*) of sub-section (1) or increased under sub-section (2) shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed.

(4) The cess collected under sub-section (3) by every local authority shall be paid to the City Library Authority or the District Library Authority, as the case may be.

31. **Government grant to District Library Authority of a portion of land revenue.**—(1) The State Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collection of the district.

(2) The amount granted to a District Library Authority under sub-section (1) shall be credited to the District Library Fund at such times and in such manner as may be prescribed.

(3) Land Revenue collection of a district for the purposes of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination ;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

32. City and District Library Funds.—(1) Every City Library Authority and District Library Authority shall maintain a Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

(2) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely :—

(*a*) the cess collected under sub-section (3) of section 30 ;

(*b*) the grant under section 31 ;

(*c*) contributions, gifts, and income from endowments, made to the Library Authority for the benefit of public libraries ;

(*d*) grant which the Central Government or the State Government may make ;

(*e*) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

33. State Library Fund.—(1) The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

(2) There shall be credited to the State Library Fund the following sums, namely :—

(*a*) the grants made by the State Government to the State Library Authority to perform the duties entrusted to it ;

(*b*) grants which the Central Government may make ;

(*c*) contributions and gifts made to the State Library Authority ;

(*d*) funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.

34 Accounts.—(1) An account shall be kept of the receipts and expenses of the State Library Authority and of each City Library Authority and District Library Authority.

(2) The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

CHAPTER VI.

State Central Library.

35. Vesting of Bangalore Public Library in the State Library Authority.—(1) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this Chapter as the appointed day), the entire management and control of the Public Library, Bangalore, now vested in the Committee of Management of the Public Library, Bangalore, shall be vested in the State Library Authority.

(2) As from the appointed day, the Committee of Management of the Public Library, Bangalore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and

privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the State Library Authority and shall be applied for the purposes specified in this Act and such other purposes as may be prescribed.

(3) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the State Library Authority.

(4) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions, and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same, as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

36. Mysore State Central Library.—(1) As from the appointed day, the Public Library, Bangalore, shall be the Mysore State Central Library.

(2) (*a*) The Mysore State Central Library shall be maintained as a reservoir of books and other materials for the proper functioning of the State Library system.

(*b*) In addition to a general library, the State Central Library shall consist of the following sections, namely :—

(i) a State Bureau of Copyright Collections ;

(ii) a State Library for the Blind ;

(iii) a State Bureau of inter-library loans ;

(iv) a State Bibliographical Bureau ;

(v) a State Bureau of Technical Service;

(vi) such other sections as may be prescribed.

37. **Sections of State Central Library.**—(1) (*a*) One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a Bureau of Copyright.

(*b*) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

(2) (*a*) The production and storage of books, sound records of books and kindred materials for the blind, and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

(*b*) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

(3) (*a*) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, State-owned libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(*b*) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

(4) (*a*) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed, and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

(*5*) (*a*) The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, State owned libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with other similar Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration :

Provided that no scheme under sub-section (3) or sub-section (5) shall be implemented in respect of any library other than a library owned or controlled by the State, except with the concurrence of the authority which owns or controls such library.

CHAPTER VII.

Reports, Returns and Inspection.

38. Reports and returns.—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

39. Inspection of libraries.—The State Librarian or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

40. Annual Report.—(1) The State Librarian shall, in respect of each financial year, prepare an annual report of

the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

(2) The State Librarian shall, in respect of each financial year prepare an annual report of the activities of the State Library Authority during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

CHAPTER VIII.

MISCELLANEOUS.

41. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Service Library Committees ;

(*b*) the maintenance of a State Library Fund and the City and District Library Funds ;

(*c*) the administration, inspection and management of the State Central Library ;

(*d*) the maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors ;

(*e*) the grants-in-aid to aided libraries and the standards to be maintained by such libraries ;

(*f*) the maintenance of State Registers of Libraries, and of Librarians ;

(*g*) the constitution of committees by the State Library Authority and the Local Library Authorities ;

(*h*) the restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

(3) Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

42. **Power of State Library Authority and Local Library Authorities to make bye-laws.**—(1) The State Library Authority and every Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the State Government, by notification, make bye-laws generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely :—

(*a*) the admission of the public to the public libraries under the control of the State

Library Authority or the Local Library Authority subject to such conditions as may be specified in such bye-laws :

Provided that no fees shall be charged for such admission ;

(*b*) the guarantee or security to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries ;

(*c*) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss ;

(*d*) the authority to be exercised by the officers and servants of the State Library Authority or the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder ;

(3) Every bye-law made under this section shall be subject to the condition of previous publication for a period of not less than thirty days, and such publication shall be in the official Gazette and in such other manner as may be prescribed.

(4) The State Government may by notification modify or cancel any bye-law made by State Library Authority or a Local Library Authority under this section :

Provided that before modifying or cancelling any bye-law, the State Government shall give the State Library Authority or the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

43. Offences and penalties.—Whoever —

(*a*) in a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution; or

(*b*) after due warning persists in remaining therein beyond the hours fixed for closing,

shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

44. Control of Local Library Authorities by Government.—(1) If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

(2) If a Local Library Authority is superseded—

(*a*) all the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;

(*b*) all property vested in the Local Library Authority shall during the period of supersession, vest in the State Government; and

(*c*) on the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

45. Liability of members for loss, waste or misapplication.—(1) Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

(2) If after giving the mumber or members concerned a reasonable opportunity for showing cause to the contrary the State Librarian is satisfied that the loss, waste or misapplication of any money or other property of the Local Library Authority is a direct consequence of misconduct or neglect on his or their part, the State Librarian shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

(4) An appeal shall lie from the decision of the State Librarian to the Mysore Revenue Appellate Tribunal within such period as may be prescribed, and the decision of the Mysore Revenue Appellate Tribunal on such appeal shall be final.

46. Members and employees of Library Authorities to be public servants.—Every member of the State Library Authority or a Local Library Authority and every officer and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

47. Savings of validity of acts and proceedings.—No act done, or proceedings taken under this Act shall be questioned merely on the ground,—

(*a*) of any vacancy or defect in the constitution of any Authority or any committee thereof; or

(*b*) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

48. Provisions relating to suits, etc.—(1) No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

(2) No suit or other legal proceeding shall lie against the State Government, the State Librarian, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

49. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

50. Transfer of certain libraries.—(1) (*a*) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the appointed day), the entire management and control of the Public Library, Mysore, now vested in the Committee of Management of the Public Library, Mysore, shall be vested in the Mysore City Library Authority.

(*b*) As from the appointed day, the Committee of Management of the Public Library, Mysore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the Mysore City Library Authority and shall be applied for purposes specified in this Act and such other purposes as may be prescribed.

(*c*) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the Mysore City Library Authority.

(*d*) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) (*a*) The State Government may by notification transfer the Mahatma Gandhi Public Library, Mercara, to the Coorg District Library Authority, with effect from such date as may be specified in such notification.

(*b*) With effect from the day on which such transfer takes place, all assets and liabilities appertaining to the said library shall stand transferred to and vest in the Coorg District Library Authority.

(*c*) With effect from the day on which such transfer takes place, every person employed by the Government in connection with the said public library shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same

remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same if the transfer had not taken place and shall continue to do unless and until his remuneration, terms and conditions are duly altered by the State Government.

(3) (*a*) Notwithstanding anything contained in section 47, with effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the specified day), the entire management and control of Karnad Sadashiva Rao District Central Library, Mangalore shall stand transferred to the Mangalore City Library Authority.

(*b*) As from the specified day, the assets and liabilities of the South Kanara District Library Authority appertaining to the said District Central Library shall vest in the Mangalore City Library Authority, and the South Kanara District Library Authority in such proportion and in such manner as the State Government may direct.

(*c*) Every employee of South Kanara District Library Authority who was employed by the said Authority wholly or mainly in connection with the said District Central Library shall, as from the specified day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the South Kanara District Library Authority, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

51. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Mysore.—The Press and Registration of Books Act, 1867 (Central Act

XXV of 1867) shall, in its application to the State of Mysore, be amended as follows :—

(i) in the first paragraph of section 9, for clause (*a*), the following clause shall be substituted, namely :—

"(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, three such copies, and ";

(ii) in the last paragraph of section 9, for clause (i), the following clause shall be substituted, namely :—

" (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or ";

(iii) in section 11, for the first sentence, the following sentence shall be substituted, namely :—

" Out of the three copies delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Bangalore, referred to in the Mysore Public Libraries Act, 1965, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine."

52. **Repeal and savings.**—(1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Hyderabad Public Libraries Act, 1955 (Hyderabad Act III of 1955) are hereby repealed.

(2) Notwithstanding such repeal—

(*a*) the members of the Local Library Authorities constituted under the Madras Public Libraries

Act, 1948, and holding office immediately before the commencement of this Act shall be deemed to be the members of the Local Library Authorities constituted under this Act and shall exercise all powers and perform all duties conferred on such Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until new authorities are constituted under this Act, whichever is later ;

(*b*) anything done or any action taken (including any appointment or delegation made, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, or scheme framed) under the said Acts and in force at the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly until they are superseded or modified by anything done or any action taken under this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press Bhm.